IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1124 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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YASMINBEN SADARBHAI VANZARA - Applicant(s)
Versus
MAKVANA VALLABHBHAI ANANDJI & 1 - Respondent(s)

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Appearance :
MRS MADHUBEN SHARMA for Applicant(s) : 1,
MR NIGAM R SHUKLA for Respondent(s) : 1,
Ms. Mita Panchal, Addl.PUBLIC PROSECUTOR for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 18/04/2007

ORAL JUDGMENT

1. By the present petition under Article 226 of the Constitution, the petitioner, original complainant, has challenged the order dated 10.7.1996

below application Exh.12 by which that application was kept for hearing and the order below application Exh.12 by which the application was rejected. By virtue of the latter order, the petitioner was not permitted to produce, in evidence, an audio cassette.

2. After admission of the present petition on 15.6.1999, the hearing was fixed on 12.7.1999 and further proceedings of Criminal Case No.4403 of 1994 pending in the court of learned JMFC, Bhavnagar, was stayed till the date of hearing. That limited interim injunction has, admittedly, not been extended thereafter and the petition has come to be listed for hearing straightaway in the year 2003 and thereafter now in the year 2007. In the meantime, application for extension of interim relief, being Criminal Misc.Application No. 2606 of 2003, has also been rejected by order dated 13.10.2003. It was, therefore, submitted by learned counsel for the petitioner that the proceedings in the trial court were supposed to have been concluded by now and the petition may not be surviving or the petitioner may not be interested in pressing the petition for a

decision on merits. However, her efforts at getting instructions from the petitioner had failed. Under the circumstances, the petition was required to be disposed with liberty to the petitioner to approach the court in case of necessity. Accordingly, without entering into the merits of the controversy, the petition is **dismissed** as infructuous, at this stage, and Rule is discharged with no order as to costs.

sd/-

[D. H. Waghela, J.]

msp